

Indiana Professional Standards Advisory Board Meeting

October 1, 2009

10:00am

The meeting was called to order by Jason Woebkenberg, Secretary of the Board. Mr. McEwen, Mr. Holt and Ms. Johnson were not in attendance. Mr. Woebkenberg welcomed board members and guests. Following the Pledge of Allegiance, the minutes of the September 3, 2009 meeting were presented and approved unanimously.

Matt Tusing, DOE Legal Analyst, presented information on the Notice of Readoption of Rules. Several rules are due to expire at the end of the calendar year by operation of law. The periodic expiration of administrative rules is part of a legislated 7-year cycle of review and readoption or repeal for all administrative rules promulgated by state rule-making bodies, not just those of the Professional Standards Advisory Board. The readoption of the rules presented by Mr. Tusing is necessary so that there is not a lapse in rules between January 1, 2010 and the effective date of new rules that may be adopted. Dr. Johnstone asked for a copy of the list of rules to be readopted; Mr. Tusing handed out copies. Ms. Wilson moved to approve the filing of the notice to readopt the indicated rules; Dr. Bennett seconded the motion. The motion was approved unanimously.

Becky Bowman, DOE General Counsel, explained that in order to validate the board's vote on September 3, 2009 adopting the new School Leaders Licensing Assessment (SLLA) and its cut score, the board needed to approve a technical amendment to its prior vote with a finding that the new SLLA and its cut score are substantially equivalent to the prior school leaders licensing test and score. Ms. Riehl asked when the new score is effective. Ms. Bowman indicated the score is effective for persons who took the test in September 2009. Mr. Woebkenberg asked for a motion. Ms. Salyers moved to amend the September 3, 2009 vote with a finding that the new SLLA test and score are substantially equivalent to the prior test and score. Ms. Billman seconded. The board approved unanimously.

Mr. Mapes provided an update on public hearings for the REPA. The public hearings are scheduled from 10 a.m. to noon on October 27 at Rochester High School, October 29 at Scottsburg Middle School, and November 2 in the Indiana State Library in Indianapolis. There is also a website where people can comment which is open now and will be until October 30. Mr. Mapes thinks that between the hearings and the online comment tool there are ample feedback opportunities for interested individuals and groups. Comments received online will be organized by article/topic and forwarded to the board. Mr. Mapes noted that the next regular meeting of the board will be November 18, 2009 at 1 p.m. in the state auditorium at the Government Center-South building. He asked that prior to the meeting board members work in small groups with a DOE staff member to review public comments and to help summarize and frame the discussion of those comments for the entire board. He already emailed October 28 and November 5 to the board as dates to hold open for working groups along with a work group assignment; he asked the board members to use those dates to meet by conference call with OELD staff and their assigned groups. Dr. Cate-Clements asked if she can participate in all the small working groups and not just the one to which she was assigned. Mr. Mapes said no, there is a reason under the "Open Door" law that members cannot participate on multiple work groups.

Dr. Van Horn asked where the idea of using small work groups originated and how assignments were made. Mr. Mapes stated that a board member made the suggestion following the September meeting and other board members have agreed that it is a reasonable way to approach such a large undertaking. Assignments to work groups were made by Mr. Mapes who attempted to balance size, experience, and interest within the groups. Dr. Van Horn expressed discomfort with the working group concept, stating that it feels like the board is hiding discussion from the public; he thinks the entire board should be involved in all work sessions on the proposed rules. Mr. Mapes stated that there are issues to be considered involving the "Open Door" law that will be addressed later in the meeting by Heather Neal. Concern was expressed about starting the working group meetings prior to the conclusion of the public hearings; however, the

anticipated volume of testimony and public comment justifies breaking the information into more manageable segments. The work groups will consider public comment received prior to the public hearings and will then consider public comment and testimony from the hearings once the hearings are concluded.

Mr. Woebkenberg voiced his support for the small work groups and their use of conference calls as a way to respect board members' time and to prevent members from having to be away from work and their classrooms any more than necessary. Ms. Julian echoed Mr. Woebkenberg's comments, stating that she trusts the board members and the quality of their work and she is comfortable with using small work groups to tackle the review of public comments and to delve more deeply into particular areas of the rule. Dr. Johnstone asked if the next regular meeting of the board can start earlier and go longer so that the board has time to discuss in depth as they work through the proposed rules. She wants to work through the rule article by article, voicing her opinion that the board will reach agreement fairly quickly on 80% of the proposed language. Mr. Mapes noted there is a scheduling conflict with the state auditorium on the morning of November 18 but offered to check to be sure the facility could accommodate a longer meeting if needed.

Ms. Riehl asked why the public hearings were all scheduled to begin at 10 a.m. Mr. Mapes said it allowed for travel time by staff. Dr. Van Horn asked what will happen if there are still people waiting to testify at noon. Mr. Mapes said the staff will stay as long as necessary but he thought it advisable to set an expectation up front that the hearings won't go on indefinitely. Dr. Cate-Clements asked if transcriptions of public testimony will be provided to board members. Mr. Mapes said no transcription will be done, but notes will be taken and summaries will be provided. If verbal testimony is also provided in hard copy, board members will receive a copy of it. Public comment from the website will be emailed to board members prior to work group meetings; comments posted after the first work group meeting will be provided before the second work group meeting along with summaries of testimony from the public hearings. A question was raised regarding the actual deadline for final adoption by the board to be within the one year promulgation period and Mr. Mapes indicated that information would be provided as soon as possible.

Terri Banks, OELD, presented a licensing report to the board showing data on the number, type, and content areas of various licenses issued by the OELD for the 2008-09 school year. The report also included totals for Transition to Teaching permits by institution/corporation and corporation totals for Emergency Permits. Ms. Banks pointed out that Indianapolis Public Schools has the highest number of Transition to Teacher permits due to its partnership with Marian University, Teach for America, New Teacher Project and Teacher Fellows. As licensing relates to the NCLB requirements for highly qualified teachers, it was noted that teachers on Emergency Permits cannot be counted as "highly qualified," but teachers on Transition to Teaching permits are considered "highly qualified." Ms. Banks encouraged board members who want more detail or who have questions about the licensing report to email her directly.

Dr. Graves, OELD, gave the board a quick history of the various sets of licensing rules that IN has had in place since 1923 as they relate to the Assignment Code document. The Assignment Code matches the licenses issued under all sets of rules to the courses approved by the State Board of Education to be taught in Indiana's schools so that one can see at a glance what license is required for a particular assignment. It is a critical staffing tool for local hiring officials. Dr. Graves, with the assistance of Leah Pitz, recently revised and updated the document, which was given to all board members and which will be posted on the OELD website. Dr. Johnstone asked for an explanation of "how life licenses went away," and Dr. Graves noted that it was a policy decision to keep teachers from becoming stale by requiring periodic coursework and/or professional development activities for license renewal. Dr. Cate-Clements asked if Dr. Graves would add the proposed REPA content areas to the Assignment Code in a draft format prior to the board adopting the final rules to ensure that all approved courses are covered by a REPA license and so the board can see how REPA licenses fit into the Assignment Code. Dr. Graves responded that if he was directed to do so by his superiors he would be happy to take a whack at it. Ms. Wilson suggested dropping off the Bulletin 94 and Bulletin 192 columns—the earliest sets of licensing rules—in order to facilitate adding the REPA column to the spread sheet. Otherwise, adding another column of

information would make the type font too small to read. The board discussed the usefulness of the Assignment Code and expressed appreciation to Dr. Graves for his work on it.

Katie Russo, OELD, presented information on the second year assessment for initial practitioners. She provided background about the IMAP process, noting that it was a great idea but it didn't produce the results that were hoped for. A brief history of the portfolio requirement was given and Ms. Russo handed out an alternative assessment tool that she is proposing be adopted as a replacement to the portfolio requirement. Ms. Russo met with five board members individually to discuss the proposed alternative assessment and get input, which she incorporated into the tool. Dr. Johnstone noted that since most of the universities required portfolios for program completion, the IMAP portfolio requirement was redundant. Discussion ensued, with board members asking for clarification about what Rules 2002 currently requires (mentoring and portfolio or an alternative assessment), why OELD staff believes the alternative assessment tool will be more effective than the portfolio requirement (portfolio completion was not an indication of quality of teaching), what the passing rate was for portfolios (100%), and whether any data exists to show that the portfolio requirement helped improve new teachers (no). Several board members offered observations based on their own experiences that the mentoring program lost its momentum when the legislature decided to discontinue mentor stipends and that completion of portfolios caused much stress but little value. Ms. Wilson and Dr. Johnstone both complimented the proposed alternative assessment tool because it is standards based, aligned to what new teachers should have learned in their education programs, and Ms. Salyers noted it gives teachers and principals something to work on together as an ongoing measure for improvement. In Ms. Wilson's opinion, the alternative assessment tool "raises the bar." Ms. Julian said she showed the proposed assessment to three colleagues at her school who serve different roles and asked their opinions. All three thought the proposed assessment tool was right on point and far better than requiring a second year teacher to complete a portfolio.

Dr. Johnstone and Dr. Van Horn noted that the way the meeting agenda was formatted it was not possible for them to know in advance that the alternative assessment was an action item on which they were expected to vote rather than an informational item. They expressed discomfort about the timing and potential confusion of approving changes to IMAP at the same time they are considering the REPA, which also includes changes to IMAP. Dr. Bennett suggested that OELD staff work with the Office of Legal Affairs to review the item and bring it back for a vote at the November meeting; staff concurred.

Heather Neal, IDOE Deputy Chief of Staff, presented information to the board about the "Open Door" law governing the meetings of public boards, public access, and how the law relates to the advisory board. Ms. Neal was the former Indiana Public Access Counselor prior to joining the DOE. Ms. Neal indicated that "meeting" is defined as a gathering of a majority of the governing body for the purpose of taking official action on public business. "Official action" includes receiving information, deliberating, making recommendations, establishing policy, making decisions, or taking final action/voting. Any time there is a meeting there is a 48-hour posting requirement and the public must be allowed to attend and record the proceedings. Emailing among the board members is not considered a meeting, but Ms. Neal reminded the board that all emails concerning board business are public record. Executive sessions can only be conducted for limited reasons; there is no such thing as a private working session or private retreat of the entire board. Small workgroups of less than a majority of board members are not considered meetings and are not open to the public, nor is there a requirement to post them or record them. Ms. Neal cautioned that if board members attend the work session of another group to listen and as a result more than a majority of board members end up in the same room, then the work session becomes an official meeting and it would run afoul of the "Open Door" law.

Mr. Mapes asked Ms. Neal to explain "serial meetings," which happens when several small group work sessions take place within a 7-day period and one or more board members "hop" from group to group discussing common issues. These multiple sessions tied together by the attendance of one of more of the same board members and the discussion of common issues can be viewed as an attempt to avoid the Open Door law and could be found to be a violation.

Currently there is no case law in Indiana regarding serial meetings; Dr. Van Horn indicated that he did not share Ms. Neal's interpretation of serial meetings. Mr. Mapes asked board members to please let him know a week in advance of the public hearings if any of them plan to attend so he will know if he needs to post one or more of the hearings as a public meeting. It is not necessary for board members to be present at the hearings; OELD staff will be present to listen to testimony. Ms. Neal reiterated that if ten or more board members show up at one of the hearings unexpectedly, then the gathering would be considered a meeting of the board that must be posted in advance. Dr. Van Horn indicated that he plans to attend the Scottsburg and Indianapolis hearings.

Ines Bosworth from ETS presented a report and brief history of testing for licensure in Indiana. ETS has about 140 national tests; Indiana uses about 40 of them. Licensure tests, in general, have been based on "what you need to know on the job." The upside of national tests is that they are portable as teachers move around the country, but ETS is moving toward customizing aspects of the tests for different states; for example, customized delivery, testing dates, and alignment to state standards. Ms. Bosworth explained how standard setting is done for its tests at the state level. ETS selects a panel of approximately 20 individuals comprised of 80% teachers and 20% higher education. These individuals are trained by ETS and go through the test twice. The first time the group assesses each test item by asking, "How important is this knowledge to a beginning teacher in Indiana (insert state name)?" The second time the group goes through the test it asks, "What percentage of new teachers should know this?" After scoring the test items twice, the panel suggests a recommended cut score, but the state is not bound to take the panel's recommendation. ETS also presents information from the national level to assist the state to determine which tests and cut scores to adopt. Ms. Bosworth indicated that ETS is developing a new elementary education test and also a new reading test for teaching reading K-12 that Indiana might want to look at. A meeting was held earlier in the week that included several board members, OELD staff, and Ms. Bosworth; the group reviewed the cut scores of 10 Indiana tests that have a passing rate of 95% or higher. Dr. Cate-Clements asked for a list of those tests; Mr. Mapes said Dr. Mast from the OELD staff would provide a summary of the meeting to board members.

Mr. Woebkenberg reminded the board and audience that the next meeting of the full board will be on November 18, 2009 at 1 p.m. at the Indiana Government Center South (IGC-S) auditorium. Based on clarification given him by the DOE General Counsel, he indicated that the deadline for final rule adoption by the board is April 14, 2010; deadline for review/approval by the Attorney General is May 31, 2010; and the deadline for approval by the Governor is June 29, 2010.

Mr. Woebkenberg asked for a motion to adjourn the meeting. The motion was made and seconded and the meeting was adjourned at 12:02 p.m.